Alberta
ENVIRONMENT

Compliance Assurance Annual Report
April 1, 2005 – March 31, 2006

EXECUTIVE SUMMARY

The Government of Alberta is committed to a vision of a vibrant and prosperous province where Albertans enjoy a superior quality of life and are confident about the future for themselves and their children. Safe and adequate supplies of water, clean air and land, together with healthy, vibrant communities are the foundations of a high quality of life.

All Albertans share responsibility for stewardship of the environment. As part of its mandate, Alberta Environment is responsible for working with Albertans to assure that environmental quality is maintained. An effective and efficient regulatory framework, or set of "rules", is a fundamental component in achieving this goal. The Compliance Assurance programs of the department are based on a balanced approach using three main components: *Education, Prevention and Enforcement*. Alberta Environment is committed to measuring and reporting on the effectiveness of compliance assurance programs and activities. This report presents the compliance and enforcement activities for the 2005-2006 fiscal year.

Department staff continued to plan and carry out education and inspection, or "sweep" programs. The sweep programs are focused on specific sectors or geographic areas. They emphasize increasing awareness and the prevention of problems which could result in harm to the environment. Staff also carried out 1233 proactive compliance assessments during the reporting period, including unannounced site or field inspections and unannounced audits to verify that methods and procedures met Alberta Environment's quality control and quality assurance standards. Overall, these proactive compliance initiatives showed a high rate of compliance across all regulatory areas administered by the department.

A total of 47 charges were laid for offences under the legislation administered by Alberta Environment during 2005-2006. Charges that were concluded during this period resulted in total fines of $1,244,357. Alberta Environment also assessed $121,051 for 29 administrative penalties for less serious regulatory offences. Eighteen orders and 71 written warnings were issued during this period to compel parties to meet regulatory standards.

Other highlights from 2005-2006 include:

- 14,421 calls to Alberta Environment, including calls to the toll-free, 24-hour emergency hotline, about possible environmental concerns or infractions;
- a continued emphasis on ensuring the safety of drinking water supplies, with surface water facilities inspected every year, and groundwater facilities inspected every 2 years;
- continued work on key performance indicators;
- completion of the *Compliance Assurance Principles and Program* publication, which describes the business of Compliance Assurance at Alberta Environment, setting out the goals, core principles and supporting policies of the department; and
- participation at a range of education and awareness sessions with stakeholders and the public.

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INTRODUCTION

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All Albertans share responsibility for stewardship of the environment. As part of its mandate, Alberta Environment is responsible for working with Albertans to assure that environmental quality is maintained. An effective and efficient regulatory framework, or set of "rules", is a fundamental component in achieving this goal. The Compliance Assurance programs of the department are based on a balanced approach using three main components: *Education, Prevention and Enforcement.*

Through *Education*, Alberta Environment works with the regulated community, other government agencies and the public to raise awareness of our shared responsibility and to ensure a clear understanding of the regulatory requirements under the environmental legislation of the province.

Prevention focuses on risk management – the ongoing need to identify possible risks to the environment and to take appropriate action. It means working with the regulated community, other government agencies and the public to find ways to achieve the environmental assurance outcomes that Albertans expect. Alberta Environment supports building capacity and willingness in the regulated community to comply and encourages regulated sectors to develop and implement continuous improvement approaches, best practices and innovation aimed at compliance assurance and performance that goes beyond required compliance.

While Alberta Environment is confident high rates of compliance will continue to be achieved through continued use of compliance assurance programs focused on education and prevention, all regulatory systems must have an effective *Enforcement* component that serves as a "backstop" for the system. Those who do not comply with regulatory requirements will be held accountable for the effects of their actions on the environment. The objectives of the enforcement component of compliance assurance are to: provide firm but fair enforcement; provide enforcement in a timely and consistent manner; and to base enforcement actions on a "polluter pays" philosophy.

Alberta Environment is committed to measuring and reporting on the effectiveness of compliance assurance programs and activities. This report presents the compliance and enforcement activities for the 2005-2006 fiscal year.

Compliance Assurance Goal

Develop an attitude of stewardship and environmental awareness in the public and regulated community through a sound compliance assurance program. The measure of success will be compliance with the laws and regulations under the mandate of Alberta Environment.

1.0 EDUCATION AND PREVENTION

1.1 Education and Inspection Programs (Sweep Programs)

Alberta Environment plans and conducts annual education and inspection programs, or sweep programs, which focus on a geographic area or industry. These focused efforts give Alberta Environment an opportunity to work together with local businesses and ensure they understand Alberta's environmental laws and their purposes, how to comply with the law and the consequences of non-compliance.

These programs have two parts:

- Specific, detailed information about regulations and requirements are sent to targeted businesses.
- Unannounced inspections are done to ensure businesses are following the requirements.

This effort produces several important results:

- All businesses within a specific sector or geographic area receive the same information from Alberta Environment about environmental responsibility.
- Non-compliance can be identified and corrected cooperatively, if this is an appropriate option.
- Overt acts of non-compliance can be addressed using a variety of enforcement tools.

In 2005-2006, Alberta Environment conducted a number of sweep programs described briefly in the following sections.

Provincial Anhydrous Ammonia Sweep

Alberta Environment has been working with the fertilizer industry to improve safety at anhydrous ammonia storage facilities. In cooperation with the Canadian Association of Agri-Retailers (CAAR) and Alberta Infrastructure and Transportation, Alberta Environment developed an inspection protocol and information package for anhydrous ammonia retailers in 2005. Alberta Environment staff completed site inspections across the province in April and May of 2005. A comprehensive report on all of the inspections was prepared. This information was shared with the industry to help identify priorities for industry stewardship development.

This initiative reflects a shift to an outcome-based approach where the Government works collaboratively to set outcomes and looks to industry and others to share responsibility for achieving those outcomes. Alberta Environment is working with industry to encourage and facilitate the development of stewardship and governance programs, including training and compliance programs. Alberta Environment will assess performance, monitoring stewardship programs and public complaints to confirm that anhydrous ammonia is being managed appropriately.

Based on comments from retailers in the field and from CAAR, this kind of cooperative approach was well received throughout the province.

Waste Management Sweeps

Fort Saskatchewan Sweep

The Northern Region (East District) conducted a sweep program in the Eastgate Business Park and the Southfort Area in Fort Saskatchewan in October 2005. The goal of this program was to conduct unannounced inspections on waste management practices at business and light industrial operations. Information exchange and education on waste management was a large component of the sweep.

A total of 82 businesses were inspected. Eighteen businesses were found to have minor waste management issues. Seven Notices of Non-Compliance were issued for more serious infractions ranging from no secondary containment for hazardous waste/recyclables to improper site security. No high-risk situations were identified. Follow up was conducted to ensure improvements were implemented and the correct waste management practices are in place.

Non-compliance issues that were identified tended to be minor in nature and had little or no potential for adverse environmental effects. These non-compliance issues were rectified promptly and voluntarily by the business when the issue was identified and they were provided with information.

Vacuum Truck Sweep

This sweep program was directed at car/truck wash operators, industrial sumps (waste generators) and the vacuum truck industry (waste carriers) in the Northern Region to determine where this waste is being taken (waste receivers) and to provide information on disposal considerations and requirements. The program was conducted jointly with City of Edmonton Industrial Waste Inspectors who are responsible for the municipal Sewage Use Bylaw.

The focus was on non-hazardous waste haulers although there is some crossover between hazardous and non-hazardous waste. The program was carried out in three phases. The first phase was a mail-out of the Waste Management Information Fact Sheet to car/truck wash operations. This information package highlights requirements for waste handling, characterization, and disposal in accordance with the *Environmental Protection and Enhancement Act* and its regulations. In the second phase companies that have industrial sumps were inspected to determine their waste handling and disposal practices. In the third and final phase inspections or audits of vacuum truck companies were conducted to determine what type of waste they are picking up and where the waste is being disposed of.

A total of 55 facilities were inspected. Three Notices of Non-Compliance were issued for the improper storage of hazardous recyclables. These issues were resolved and the companies are in compliance with the regulations. Fifteen facilities were found to have documentation that requires further follow-up with the carriers as no receiver information was available.

Zama City Sweep

In the spring of 2005, the Northern Region (West District) conducted a sweep program in the Zama City Industrial park as a result of issues raised by concerned citizens in the area. The focus of this sweep was to conduct unannounced inspections on waste management practices at business and light industrial operations. Information exchange and education on waste management was a large component of the sweep.

A total of 36 businesses were inspected and 16 of those inspections uncovered minor issues relating to soil staining and uncovered containers of small quantities of used oil and filters. Most of the non-compliance issues that were identified tended to be minor in nature and had little or no potential for adverse environmental effects. These non-compliance issues were rectified promptly and voluntarily by the business once the issues were identified.

There were 6 businesses which required major follow-up for issues ranging from lack of secondary containment for hazardous waste/recyclables to improper site security. Follow-up was completed for all non-compliance issues to ensure improvements and the correct waste management practices are in place for compliance with Alberta's legislation.

Auto Body Sweep

In the spring of 2006, the Northern Region (West District), in conjunction with the Fire Department and the City of Grande Prairie, conducted a sweep program. The goal of this proactive inspection program was to conduct unannounced inspections on waste management practices at auto body repair business within the city. Information exchange and education on waste management was a large component of the sweep.

A total of 10 businesses were inspected with minor non-compliance issues identified at 4 of the facilities. Minor issues included improper storage of gun wash waste and used oil, and lack of recycle dockets. Only one of the facilities required major follow-up to come into compliance.

Hazardous Recyclable and Hazardous Waste Sweeps

Spruce Grove District

The Central Region (Spruce Grove District) conducted a sweep program for the hazardous waste/recyclable storage facilities operating within the District in May and June 2005. This program was developed in response to the April 2005 fire and explosion at the Custom Environmental Services hazardous waste/recyclable storage facility in Edmonton. Unannounced inspections were conducted at a total of 9 facilities located in Nisku, Onoway, Ryley, Vegreville, Lloydminster and Acheson.

The inspections focused primarily on reviewing company Emergency Response Plans (ensuring that the Plans are filed with the local fire department), fire suppression systems, fire alarms, fire fighting capabilities, familiarity with fire codes requirements and security

issues, as well as inspecting waste storage practices, secondary containment and waste inventories.

The inspections revealed that every company had some form of fire suppression capabilities that ranged from hand held fire extinguishers to automated sprinkler systems, a number of which were connected to alarm response companies. Emergency Response Plans were available for review and filed with local fire departments.

Blindman Industrial Park

The Central Region (Red Deer District) carried out a sweep program in the Blindman Industrial Park located in Red Deer County between Blackfalds and Red Deer. The sweep involved site visits with 55 businesses to review the requirements and their responsibilities for the handling of hazardous wastes and hazardous recyclables under the provisions of the *Environmental Protection and Enhancement Act* and regulations. Several of the site visits were coordinated with the County of Red Deer Bylaw Enforcement Group.

Minor non-compliance issues were identified at several operations although the potential for a significant adverse effect was low. These companies were instructed on appropriate measures to be taken and, where warranted, notices were provided that identified measures required to be completed within an agreed upon date. Follow-up inspections were conducted. Based on surveys returned by the businesses, the program was well received and considered very informative.

Medicine Hat

The Southern Region (Lethbridge District) worked cooperatively with Alberta Infrastructure and Transportation (Dangerous Goods and Rail Safety Branch) and the City of Medicine Hat Police Service (Municipal Bylaw & Enforcement) on a sweep program in Medicine Hat during the week of October 24th, 2005. The program was carried out over two and one half days and focused on the storage, handling and transportation of hazardous recyclables and hazardous waste in the commercial and light industrial area adjacent to the Medicine Hat Airport.

A total of 120 businesses were visited. Fifty four businesses did not have hazardous waste or recyclables on their premises while 66 of the businesses were found to have some hazardous waste or recyclables on their premises. Fifty nine inspections were completed and 26 Notices of Non-Compliance were issued.

Follow up on the Notices of Non-Compliance was conducted in December 2005 and May 2006. All companies identified as being non-compliant with the Waste Control Regulations have come into compliance, or are well on their way; one is in the process of getting an approval for storage of hazardous recyclables.

The majority of the business owners and managers were receptive to the idea of a sweep program. The information was timely for some businesses that are contemplating moves or expansions. The program provided an opportunity for staff of the businesses to ask questions about the disposal of different kinds of waste.

1.2 Proactive Assessments

Alberta Environment regulates a wide range of industrial facilities under the *Environmental Protection and Enhancement Act* and the *Water Act.* This is most commonly done through conditions set out in licences, approvals and codes of practice.

Under the Compliance Inspection Program, Alberta Environment conducts compliance assessments – proactive, unannounced inspections and audits to verify regulated facilities meet the conditions of their licences, approvals or registrations. Most non-compliance identified through these assessments is minor in nature and has little or no potential for environmental impact. Significant non-compliance identified may result in enforcement action.

Compliance assessments focus on specific industry sectors, ensuring that a sample of each regulated community is assessed over the long term. These assessments are based on several criteria including:

- risk to the environment from a particular activity/operation;
- compliance history of the regulated parties associated with the activity/operation;
- trends and emerging issues determined from strategic analysis; and
- established goals about the number and types of assessments to be conducted annually.

Alberta Environment establishes targets for the number of unannounced compliance assessment inspections to be performed each year. For the 2005-2006 reporting period, the targets included inspecting 100% of surface water facilities and 50% of groundwater facilities. These targets were achieved.

Compliance Assessment Inspection Statistics
April 1, 2005 to March 31, 2006

Compliance Assessment Inspections	Total # of Facilities	# of Facilities Targeted for Inspection	Inspections Completed
Environmental Protection and Enhancement Act			
Industrial Facilities			
Approved	686	115	189
Registered	640		99
Municipal Treatment Plants			
Surface Water	200	200	195
Ground Water	202	102	107
Regional Distribution	105	50	53
Municipal Wastewater Treatment Plants			
Mechanical	74	21	23
Lagoons	419	42	59
Regional Collection	36	7	7
Solid Waste Management Facilities			
Approved Landfills	35	10	11
Registered Landfills (under the Code of Practice)	178	20	23
Compost Facilities	28	7	5
Pesticide Facilities			
Wholesale Vendors	63	11	12
Domestic Retail Vendors	392	36	42
Commercial Retail Vendors	357	30	33
Service Applicators	875	93	90
Conservation and Reclamation Operations			
Pits	832	18	37
Mines	14	12	21
Total EPEA			**1006**
Water Act			
Approved Activities		40	51
Licenced Activities		68	99
Codes of Practice		51	77
Total WA			**227**
Total			**1233**

1.3 Upstream Oil and Gas Reclamation and Remediation Program

As a result of continued growth in Alberta's oil and gas sector and in order to improve Alberta Environment's ability to effectively manage remediation and reclamation, the Upstream Oil and Gas Reclamation Program changed October 1, 2003.

The program, which applies to all upstream oil and gas facilities including well sites, batteries and pipelines on private and public lands, shifted the inquiry process from a formal, onsite inspection to a thorough administrative and technical review of industry certification applications, complemented by random field audits and an enhanced complaint process.

The 2005-2006 year was the second for this new program. The following table provides details on the activities within the program from April 1, 2005, to March 31, 2006.

Reclamation and Remediation Program
2005 – 2006

	Total Applications Received	*Withdrawn*	*Refusal to Accept*	*Certificate Issued*
Central	419	142	107	378
Northern	240	89	47	229
Southern	588	91	75	392
Total	**1247**	**322**	**229**	**999**

The following table provides the audit results for approved reclamation certificates. Three certificates were cancelled as a result of deficiencies identified by the audits.

Reclamation and Remediation Audit Program
2005 – 2006

	Surface Audit (SA)	*Sub-Surface (Contamination) Audit (CA)*	*Certificate Upheld*		*Pending*		*Certificate Cancelled*	
			SA	**CA**	**SA**	**CA**	**SA**	**CA**
Central	36	18	33	12	0	6	3	0
Northern	17	9	15	4	2	5	0	0
Southern	40	16	38	14	2	2	0	0
Total	**93**	**43**	**86**	**30**	**4**	**13**	**3**	**0**

1.4 Compliance Assurance Website and other Educational Tools

Education and Awareness Sessions

Alberta Environment Compliance Assurance staff participated in a range of education and awareness sessions across the province over the year including participating in stakeholder and public meetings, making presentations to groups, providing information through displays at public events, and delivering training courses.

Compliance Assurance Principles and Program

The *Compliance Assurance Principles and Program* publication, completed in 2005, updates the original publication released in June 2000. It describes the business of Compliance Assurance at Alberta Environment, setting out the goals, core principles and supporting policies of the department in this area. It also provides a detailed program guide. Additional information on compliance assurance programs and activities can also be found on the Alberta Environment website at:
http://www3.gov.ab.ca/env/protenf/compliance/index.html

1.5 Key Performance Indicators

As part of efforts to assess the success of compliance assurance programs and to support continuous improvement, Alberta Environment focused on a new key performance indicator initiative starting in 2004-2005. This initiative is intended to enable managers across the province to monitor and assess trends associated with key indicators within specific components of the compliance assurance program.

Drinking Water

The assurance of safe and secure drinking water supplies for all Albertans is an important priority for Alberta Environment. In the fall of 2004, work was initiated on the development of a key performance indicator related to drinking water. The most important factors that contribute to safe, high quality drinking water were identified and an index was developed based on those factors. The index approach allowed each of the factors to be weighted for importance in relation to each other.

Alberta Environment has made a commitment to annually inspect 100% of drinking water facilities using surface water and 50% of drinking water facilities using groundwater. The index used for the key performance measure focuses on 25 factors that are framed as questions and rated from 1 to 4, based on assessment during an inspection. A guide was developed to support consistent and objective factor evaluations by inspectors. There was a desire to recognize performance beyond simple compliance with approval requirements. This was achieved by including an assessment of 3 for full compliance, and a score of 4 recognizing performance beyond compliance. Based on this system, an overall index score in the 75% range generally indicates full compliance.

The 2005-2006 fiscal year was used to test the index. Improvements to the index will be made based on the results from this first year of use. The information from 2005-2006 will also become a baseline against which future information can be compared in order to observe changes over time.

Drinking Water Quality Index 2005 – 2006

Note: an index score of 75% generally indicates full compliance; scores above 75% indicate performance beyond compliance requirements.

Combined Results for:	Overall provincial average (in percent)
Cities (population range 12,000 to 65,000)	88.9%
Towns (population range 500 to 11,500)	76.0%
Villages (population range 100 to 1000)	64.9%
Hamlets (population range 100 to 2500)	68.0%
Private Developments (population range less than 500)	63.5%

Hazardous Waste & Hazardous Recyclables

Over the 2005-2006 fiscal year, a number of inspections and sweep programs related to hazardous waste or recyclables were completed in each District across the province. During these inspections and sweep programs inspectors gathered information necessary to complete a key performance indicator (KPI) questionnaire for a total of 263 facilities. The KPI questionnaire included 18 questions designed to assess compliance in four key areas (administration, storage, secondary containment, and storage site). The questions were weighted so that the possible score was greater where compliance is considered as most important based on risk or possible consequences. The questionnaire also allowed the inspector to recognize excellence through a category called "commitment to exceeding compliance". A guide was developed to support consistent and objective factor evaluations by inspectors.

Improvements to the index will be made based on the results from this first year of use. The information from 2005-2006 will also become a baseline against which future information can be compared in order to observe changes over time.

Hazardous Waste/Recyclables Index 2005 – 2006

District	Number of Inspections	Average Assessment
Lethbridge	59	52%
Calgary	52	63.5%
Red Deer	43	59.6%
North East	63	65.5%
North West	46	49.8%
Total	**263**	**58.4%**

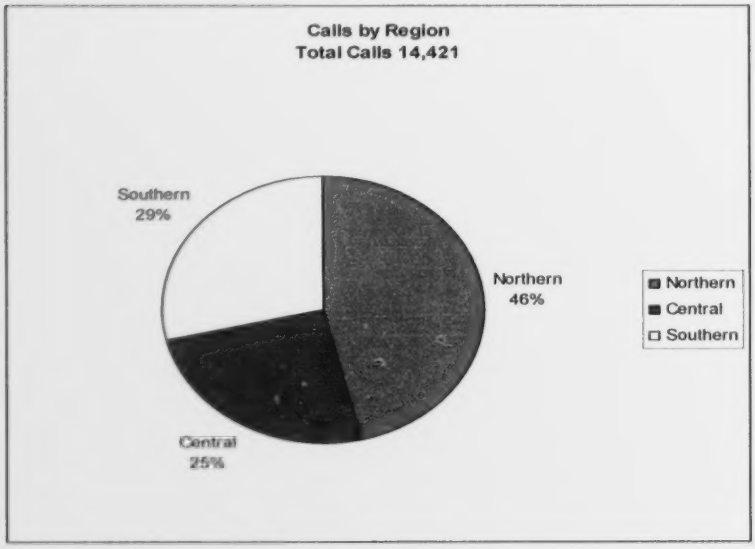
In addition to enabling staff to monitor spatial or temporal compliance the KPI data can help pin point specific areas of non-compliance or concern. A review of the 2005-2006 KPI data indicates areas where industry as a whole is not achieving full compliance. By considering the questionnaire results and the factors where the risk or consequences are greatest, staff have identified that a focus for future compliance activities should be on issues such as "secondary containment", "weather proofing" or "labeling". Activities to target these areas of concern can be planned based on this assessment.

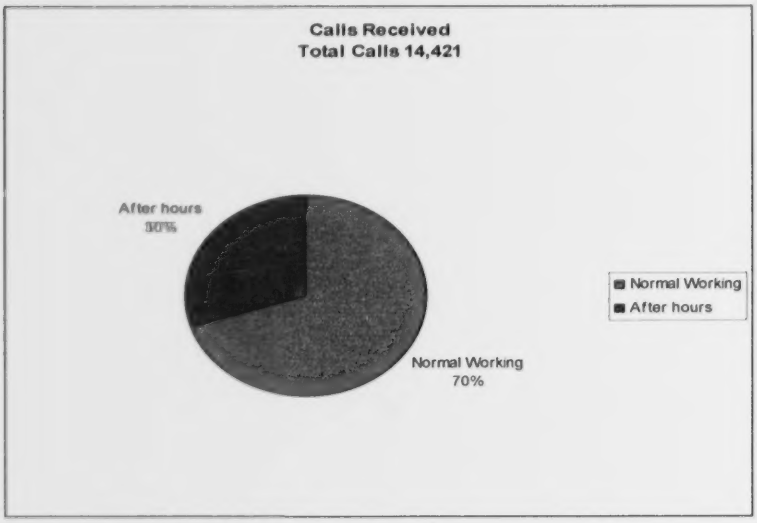
2.0 CALL RESPONSE

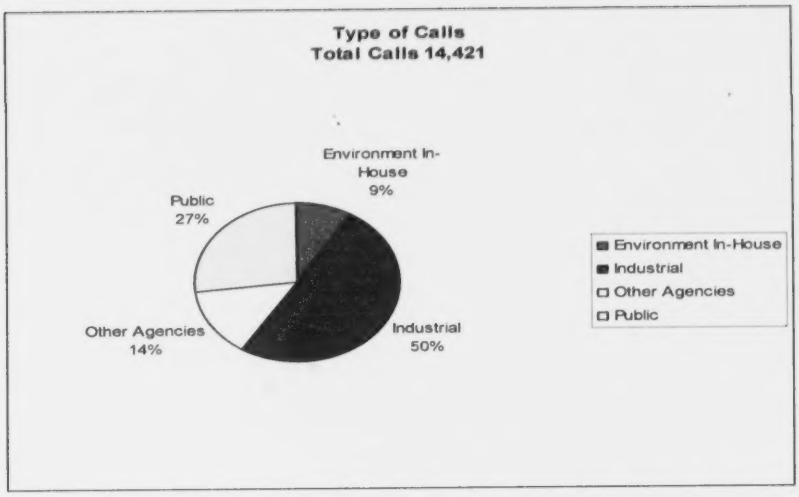
Alberta Environment's Environmental Response Centre operates a toll free, 24-hour environmental "hotline" that allows Albertans to contact the department whenever they have concerns about possible environmental infractions or potential environmental emergencies. The centre also operates an industry reporting line that allows industry to report releases or contraventions of environmental legislation.

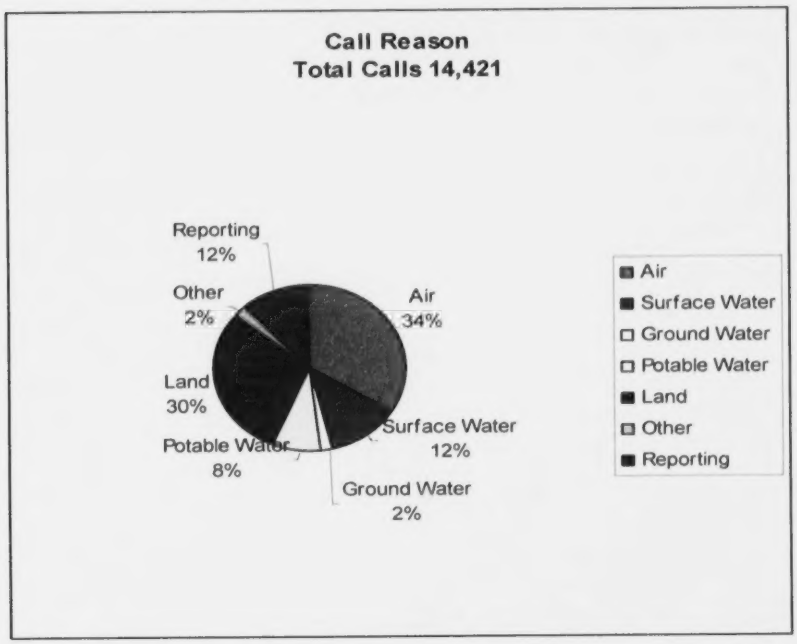
In an effort to provide "one window" reporting of potential environmental infractions, the Environmental Response Centre also accepts calls for Environment Canada regarding the *Canadian Environment Protection Act* and the federal *Fisheries Act*, and accepts calls for the Natural Resources Conservation Board (NRCB) regarding the *Agricultural Operations Practices Act*.

Between April 1, 2005 and March 31, 2006 staff handled a total of 14,421 calls. Further information on these calls is shown in the following.






Type of Calls
Total Calls 14,421
Environment In-House 9%
Public 27%
Other Agencies 14%
Industrial 50%
Environment In-House
Industrial
Other Agencies
Public


Call Reason
Total Calls 14,421
Reporting 12%
Other 2%
Land 30%
Potable Water 8%
Ground Water 2%
Surface Water 12%
Air 34%
Air
Surface Water
Ground Water
Potable Water
Land
Other
Reporting

3.0 ENFORCEMENT

Those who do not comply with Alberta's environmental laws and regulations are held responsible for the effects of their actions on the environment. Every suspected violation that comes to the attention of Alberta Environment is assessed and responded to in an appropriate and timely manner.

3.1 Prosecutions

All legislation enforced by Alberta Environment includes provision for prosecution.

Summary of Charges Laid

During the 2005-2006 fiscal year, a total of 47 charges were laid under the legislation administered by Alberta Environment, including:

- 42 charges under the *Environmental Protection and Enhancement Act* (summons);
- 2 charges under the *Environmental Protection and Enhancement Act* by Summary Conviction (ticket);
- 1 charge under the *Pesticide Sales, Handling, Use and Application Regulation* (summons);
- 1 charge under the *Pest Control Products Act* (summons); and
- 1 charge under the *Pest Control Products Regulation* (summons).

Convictions

During the 2005-2006 fiscal year, a total of 28 charges for infractions of legislation administered by Alberta Environment were concluded, resulting in fines totaling $1,244,357 including:

- 18 convictions for offences under the *Environmental Protection and Enhancement Act*, resulting in $658,552 in penalties;
- 3 summary convictions under the *Environmental Protection and Enhancement Act*, resulting in a further $345 in penalties from tickets issued;
- 1 conviction for an offence under the *Pesticide Sales, Handling, Use and Application Regulation* resulting in $5,000 in penalties;
- 1 conviction for an offence under the *Waste Control Regulation* resulting in $80,500 in penalties;
- 1 conviction for an offence under the *Water Act* resulting in $89,960 in penalties;
- 3 convictions for offences under the *Criminal Code of Canada* resulting in $400,000 in penalties; and
- 1 conviction for an offence under the *Fisheries Act* resulting in $10,000 in penalties.

These penalty amounts include creative sentencing amounts and reflect the cash-value equivalent of the creative sentence. Alberta Environment supports and promotes the use of creative sentencing to make penalties more meaningful and result in clear benefits for the environment. Under the *Environmental Protection and Enhancement Act*, Creative Sentencing Orders have been an option in Alberta since 1993.

The total expressed for convictions can be related to charges laid in this reporting period or laid in previous reporting periods. Some charges laid during this reporting period may be pending and awaiting resolution in the courts at a future point in time.

3.2 Administrative Penalties

An administrative penalty is a monetary penalty issued in response to an incidence of non-compliance. One Administrative Penalty can address a number of violations by a regulated party.

In 2005-2006 a total of 29 administrative penalties were issued under legislation administered by Alberta Environment, including:

- 17 administrative penalties issued under the *Environmental Protection and Enhancement Act*, resulting in $65,500 in penalty assessments;
- 1 administrative penalty issued under the *Pesticide Sales, Handling, Use and Application Regulation*, resulting in $2,500 in penalty assessments;
- 1 administrative penalty issued under the *Ozone Depleting Substances and Halocarbons Regulation*, resulting in $8500 in penalty assessments;
- 3 administrative penalties issued under the *Pesticide (Ministerial) Regulation*, resulting in $15,551 in penalty assessments; and
- 7 administrative penalties issued under the *Water Act*, resulting in $29,000 in penalty assessments.

3.3 Orders

Orders are used to compel a regulated party to remedy a contravention and, where appropriate, to require actions to prevent future contraventions.

In 2005-2006, a total of 18 orders were issued under legislation administered by Alberta Environment, including:

- 12 Orders issued under the *Environmental Protection and Enhancement Act*
  - 2 Enforcement Orders for Waste
  - 10 Environmental Protection Orders

- 6 Enforcement Orders issued under the *Water Act*
  - 5 Enforcement Orders
  - 1 Water Management Order

3.4 Written Warnings

Written warnings are issued for minor contraventions or in situations where there is the potential for an adverse environmental effect. Warnings, normally given to first time offenders, are designed to be a deterrent, encourage voluntary compliance and create a formal record of an offence. Repeat non-compliance may lead to a more significant enforcement response.

In 2005-2006, a total of 71 written warnings were issued under the legislation administered by Alberta Environment.

3.5 Appeals

The *Environmental Protection and Enhancement* Act and the *Water Act* both have provisions for companies or individuals to appeal an order or administrative penalty to the Environmental Appeal Board, an independent tribunal established to hear appeals of certain Alberta Environment decisions. All prosecutions can be appealed to a higher court.

In 2005-2006, 1 appeal of an administrative penalty was filed and 1 order was appealed.

Table One Enforcement Summary

LEGISLATION	Charges Laid	Convictions	Penalty Amount	Appeal of Sentence	Creative Sentencing Orders	Written Warnings	Admin Penalties Assessed	Admin Penalties Assessed Value	Appeal of Admin Penalties	Orders	Appeal of Orders
***Environmental Protection and Enhancement Act (EPEA)* and Regulations**											
EPEA	42	18	658,552		11	47	17	65,500		12	1
Summary Conviction EPEA	2	3	345								
Pesticide Sales, Handling, Use and Application Regulation	1	1	5,000			3	1	2,500			
Pesticide (Ministerial) Regulation							3	15,551			
Waste Control Regulation		1	80,500			1					
Ozone Depleting Substances and Halocarbons Regulation							1	8,500			
SUB TOTAL EPEA	45	23	744,397		11	51	22	92,051		12	1
***Water Act* and Regulations**											
Water Act		1	89,960		1	20	7	29,000	1	6	1
Water (Ministerial) Regulation											
SUB TOTAL WA		1	89,960		1	20	7	29,000	1	6	1

Other Legislation

Criminal Code of Canada		3	400,000								
Fisheries Act		1	10,000								
Pest Control Products Act	1										
Pest Control Products Regulation	1										
SUB TOTAL OTHER LEGISLATION	2	4	410,000								

TOTAL ENFORCEMENT	**47**	**28**	**1,244,357**		**12**	**71**	**29**	**121,051**	**1**	**18**	**2**

TOTAL MONETARY PENALTIES

$1,244,357 for convictions
$121,051 for administrative penalties

APPENDICES

Regional Offices

NORTHERN REGION
Edmonton
#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780-427-7617
Fax: 780-427-7824

CENTRAL REGION
Red Deer
#304, Provincial Building
4920-51 Street
Red Deer, Alberta T4N 6K8
Tel: 403-340-7052
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Acts, Regulations & Codes of Practice Administered by Alberta Environment

Environmental Protection and Enhancement Act

- *Activities Designation Regulation*
- *Administrative Penalty Regulation*
- *Approvals and Registrations Procedure Regulation*
- *Beverage Container Recycling Regulation*
- *Conservation Easement Registration Regulation*
- *Conservation and Reclamation Regulation*
- *Designated Material Recycling and Management Regulation*
- *Disclosure of Information Regulation*
- *Electronics Designation Regulation*
- *Emissions Trading Regulation*
- *Environmental Appeal Board Regulation*
- *Environmental Assessment Regulation*
- *Environmental Assessment (Mandatory and Exempted Activities) Regulation*
- *Environmental Protection & Enhancement (Miscellaneous) Regulation*
- *Forest Resources Improvement Regulation*
- *Lubricating Oil Material Environmental Handling Charge Bylaw*
- *Lubricating Oil Material Recycling and Management Bylaw*
- *Mercury Emissions from Coal-fired Power Plants Regulation*
- *Ozone-Depleting Substances and Halocarbons Regulation*
- *Pesticide (Ministerial) Regulation*
- *Pesticide Sales, Handling, Use and Application Regulation*
- *Potable Water Regulation*
- *Release Reporting Regulation*
- *Substance Release Regulation*
- *Tire Designation Regulation*
- *Waste Control Regulation*
- *Wastewater and Storm Drainage Regulation*
- *Wastewater and Storm Drainage (Ministerial) Regulation*
- *Code of Practice for Asphalt Paving Plants*
- *Code of Practice for Concrete Producing Plants*
- *Code of Practice for Compost Facilities*
- *Code of Practice for Compressor and Pumping Stations and Sweet Gas Processing Plants*
- *Code of Practice for Energy Recovery*
- *Code of Practice for Exploration Operations*
- *Code of Practice for Forage Drying Facilities*
- *Code of Practice for Foundries*
- *Code of Practice for Landfills*
- *Code of Practice for Hydrologic Tracing Analysis Studies*
- *Code of Practice for Land Treatment of Soil Containing Hydrocarbons*
- *Code of Practice for Pesticides*
- *Code of Practice for Pits*
- *Code of Practice for the Release of Hydrostatic Test Water from Hydrostatic Testing of Petroleum Liquid and Gas Pipelines*

- *Code of Practice for Sawmill Plants*
- *Code of Practice for Small Incinerators*
- *Code of Practice for Tanker Truck Washing Facilities*
- *Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System*
- *Code of Practice for Wastewater Systems Consisting Solely of a Wastewater Collection System*
- *Code of Practice for Wastewater Systems Using a Wastewater Lagoon*
- *Code of Practice for Waterworks Systems Using High Quality Groundwater*

Water Act
- *Oldman River Basin Water Allocation Order*
- *South Saskatchewan Basin Water Allocation Regulation*
- *Water (Ministerial) Regulation*
- *Water (Offences and Penalties) Regulation*
- *Code of Practice for Outfall Structures on Water Bodies*
- *Code of Practice for Pipelines and Telecommunication Lines Crossing a Water Body*
- *Code of Practice for the Temporary Diversion of Water for Hydrostatic Testing of Pipelines*
- *Code of Practice for Watercourse Crossings*

Climate Change and Emissions Management Act
- *Specified Gas Reporting Regulation*

Other Legislation that Alberta Environment works in conjunction with:
- *Agricultural Operation Practices Act*
- *Canadian Environmental Protection Act*
- *Criminal Code of Canada*
- *Dangerous Goods Transportation and Handling Act*
- *Energy and Utilities Board Act*
- *Fisheries Act*
- *Health Act*
- *Migratory Birds Convention Act*
- *Natural Resources Conservation Board Act*
- *Occupational Health and Safety Act*
- *Peace Officer Act*
- *Pest Control Products Act*
- *Pest Control Products Regulation*
- *Provincial Offences Procedures Act*
- *Traffic Safety Act*
- *Transportation of Dangerous Goods Act*

Glossary

Administrative Penalty	An enforcement tool under the *Environmental Protection and Enhancement Act* used to correct an inappropriate action, practice or behaviour. As such, Administrative Penalties may be considered an educational tool that is reinforced with a penalty.
Appeal	Appeal of an administrative enforcement response (order, administrative penalty, etc.) to an independent body or of a prosecution to a higher level court.
Audit	A site or field examination to verify that methods and procedures for data gathering and/or collection of samples meet all quality assurance/quality control criteria.
Charge	"...an accusation of a crime by a formal complaint (includes violation ticket), information or indictment" (Black's Law Dictionary)
Charges Laid	All charges laid during the reporting year.
Compliance	The state of conformity with the law.
Compliance Assessment	An activity undertaken to determine whether a regulated party's activity or operation complies with a statute, regulation, authorization or code of practice (these include inspections, reviews and audits/sample events).
Convictions	All charges resulting in a conviction during the reporting year.
Creative Sentencing	A form of penalty that may be issued by the sentencing court after a conviction. They are typically imposed along with a fine and do not diminish the total value of the overall penalty imposed. They are intended to secure the offender's good conduct in a way that has a public benefit by having the offender undertake or direct money toward activities that are tied to the root cause or harm arising from the offense in question. Creative sentencing orders may direct the offender to fund specific research projects, undertake or fund identified education programs, or improve industry standards, among other things.
Enforcement Response	An official or legislated reaction to non-compliance by a regulated party. Alberta Environment's enforcement responses are designed to remedy, deter or punish.
Inspection	A site or field evaluation of a regulated activity to verify that specific requirements are being met. A specific

	check of compliance.
Notice of Non-Compliance	A field document issued to an individual or company outlining areas of non-compliance to encourage immediate action to come back into compliance.
Order	Used to compel a person to remedy a contravention and, as appropriate, to require actions to prevent future contraventions.
Regulated Community	All persons and entities regulated under legislation for which Alberta Environment is responsible.
Regulated Sector	A specific group or type of regulated party (e.g. the oil and gas sector).
Regulated Party	An individual entity regulated under legislation for which Alberta Environment is responsible.
Review	An assessment of compulsory monitoring reports, registrations, records and other required submissions for compliance with a statute, approval, code of practice or regulation.
Written Warning	A document used to deter a specific recipient and to create a record of the contravention.